

U.S. Patent Application Serial No. 09/281,464
Reply to Office Action dated September 30, 2005

Remarks:

Applicants have read and considered the Office Action dated September 30, 2005 and the references cited therein. Reexamination and reconsideration are respectfully requested.

Information Disclosure Statements

The Office Action requests that Applicants submit a copy of the Form 1449 associated with the IDS filed on December 31, 2003. Applicants note that the IDS and Form 1449 were filed on October 8, 2003, but scanned on December 31, 2003. Applicants further note that the Form 1449 was initialed by the Examiner and returned. A copy of form 1449 previously submitted on October 8, 2003 and a copy of the initialed form 1449 are submitted herewith.

Acknowledgement of Allowed Claims

Applicant gratefully acknowledges the allowance of claims 53-57, 59, 60, 163, 61-65, 67, 68, 164, 85-99, 104-106 and 145-155, as indicated on page 12 of the office action.

Summary of the Amendments

95 claims are currently pending.

Claims 30, 43, 47, 53, 61, 69, 85, 104, 106, 107, 110, 114, 115, 122, 130 and 145 have been amended in order to better define the subject matter being claimed. No new matter has been added under the current amendments and it is not believed that a new search is required in light of these amendments.

Claims 1-29, 34-42, 48-52, 58, 66, 111, 118, 125, 126, 128, 134, 136, 138-144 and 156-158 remain cancelled.

Claims 108-109 and 129 have been cancelled without prejudice or disclaimer.

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Rejections under 35 U.S.C. §112(b)

In the Office Action, claim 44 was rejected under 35 U.S.C. §112(b) for being indefinite. Specifically, the Examiner indicates that claim 47 is unclear because it refers to claim 41, which has been cancelled.

In response, Applicant submits that claim 47 has been amended such that it now depends upon claim 44, which is still pending in the present application. Accordingly, Applicants respectfully request the rejection to claim 44 be withdrawn.

In the Office Action, claims 30, 31, 161, 43, 162, 71-71, 107-110, 112-114, 122-124 and 127 were rejected under 35 U.S.C. §112(b) for being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections.

The Action indicates that claims 30, 31 and 161 omit structural/functional/co-operational interrelationships between the element "a signal transmitting unit" and other elements.

While Applicants respectfully disagree, in the interest of moving the present application forward, claims 30 and 43 have been amended in order to further specify the relationship between the "signal transmitting unit" and the other components of the claims. As such, claims 30 and 43 are now believed to be in compliance with 35 U.S.C. §112. Claims 31, 161 and 162 depend from claims 30 and 43 respectively, and as such are now also believed to be in compliance with 35 U.S.C. §112.

With regard to the rejection of claims 71-78, Applicants respectfully submit that 35 U.S.C. §112, second paragraph, simply requires that "the specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which Applicants regard as the invention".

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Applicants respectfully submit that all of claims 71-78 define distinctly the subject matter which Applicants regard as the invention, and as such are believed to be in compliance with §112, second paragraph. Nowhere in section §112 is it indicated that the claims require a structural interrelationship between the components. Applicants assert that the recited features are easily understood by those ordinarily skilled in the art. Moreover, the data storage may be incorporated into a transmitter in many ways that would be understood by one of ordinary skill in the art and further recitation of interrelationship is not necessary.

With regard to independent claims 107 and 122, Applicants respectfully submit that these claims have been amended in order to better recite their subject matter, and are believed to be in compliance with 35 U.S.C. §112 as they now stand. Dependent claims 110, 112-114, 123-124 and 127 are also believed to be in compliance with 35 U.S.C. §112.

If any of claims 30, 31, 161, 43, 162, 71-71, 107-110, 112-114, 122-124 and 127 are believed to comply with 35 U.S.C. §112, second paragraph, an indication of how he believes the claims should be amended is respectfully requested.

Rejections under 35 U.S.C. §102(b) and Reply

Claims 115-117, 119, 120, 130, 133 and 135 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,729,210 (hereafter to be referred to as Kiriya).

For the reasons presented below, Applicants respectfully disagree and assert that these claims are in condition for allowance over the cited references and any other prior art.

Claims 115-120

Attention is respectfully directed towards the following passages of independent claim 115.

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A method for synchronizing addresses in a communication control system, the communication control system having a **first component associated to a first identifier, a second component associated to a second identifier** and an operator programming unit, said method comprising:

- i) establishing a communication link between the operator programming unit and the first component **for transmitting the first identifier from the first component to the operator programming unit;**
- ii) establishing a communication link between the operator programming unit and the second component **for transmitting the first identifier from the operator programming unit to the second component,** wherein the communication link between the operator programming unit and one of the first component and the second component is a wireless communication link;
- iii) **generating an address at the second component on the basis of the first identifier and the second identifier, wherein the first identifier and the second identifier are different.**

Applicants respectfully assert that the cited reference does not disclose, teach or suggest the above-emphasized sequence of limitations, as recited in independent claim 115. More specifically, Kiriya does not disclose both "a first component associated to a first identifier" and "a second component associated to a second identifier" wherein the first identifier is transmitted "from the first component to the operator programming unit" and then "from the operator programming unit to the second component" such that the second component generates an address "on the basis of the first identifier and the second identifier, wherein the first identifier and the second identifier are different".

Instead, Kiriya discloses a master unit (10) that generates an identification code, that it then transmits to a remote operating device (20), and to a slave unit (30). The remote operating device (20) then appends this identification code to signals that it sends to the slave unit (30), such that the slave unit (30) can verify the identification code appended to the signal with the same identification code that is stored in its memory. Nowhere does Kiriya disclose or

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suggest transmitting a first identifier from a first component to an operator programming unit, and then transmitting that first identifier from the operator programming unit to a second component. Nor does Kiriya disclose “generating an address at the second component on the basis of the first identifier and the second identifier, wherein the first identifier and the second identifier are different”.

The Action states that the master unit (10) is the first component, the remote operating device (20) is the operator programming device and that the slave unit (30) is the second component. If we proceed with the interpretation stated in the Office Action, which Applicants respectfully disagree with, then it is the slave unit (30) that should satisfy the limitation of “generating an address at the second component on the basis of the first identifier and the second identifier”. Applicants respectfully submit that the slave unit (30) disclosed by Kiriya does not perform this limitation. Instead, and as indicated in column 4, lines 56-65 of Kiriya, the slave unit “judges...whether or not the identification code contained in the remote controlling signal is coincident with the personal identification code stored in the storage 25”. Therefore, it should be appreciated that the slave unit (30) simply compares the two identification codes in order to determine that the signal sent from the remote operating device (20) is a correct signal. Nowhere does Kiriya disclose that the slave unit (30) “generates” an address.

Furthermore, the slave unit (30) of Kiriya is not associated with a second identifier. Instead, both the remote operating device (20) and the slave unit (30), which the Office Action contends are first and second components, are associated with the same identifier, and not with a first identifier and a second identifier that are different. Therefore, the slave unit (30) cannot generate an address on the basis of a first identifier and a second identifier, *wherein the first identifier and the second identifier are different*, since there is no second identifier.

As per §2131 of the MPEP, in order “to anticipate a claim, the reference must teach every element of the claim”. Since Kiriya does not teach every limitation of independent claim 115, Kiriya is not sufficient to support a rejection based on anticipation. As such, independent

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claim 115, as amended, is believed to be in condition for allowance over the reference cited. The withdrawal of the rejection of independent claim 115 is respectfully requested.

Claims 116, 117, 119 and 120 depend from independent claim 115, and as such, incorporate by reference all the limitations contained therein, including the above-emphasized limitations, which have been shown to be absent from Kiriya. Accordingly, for the same reasons as those presented above, Applicants respectfully request that the rejections to claims 116, 117, 119 and 120 be withdrawn.

Claims 130, 133 and 135

The Examiner's attention is respectfully directed towards the following passages emphasized below in independent claim 130.

A communication control system comprising:

- a) **a first component having a memory storing a first identifier;**
- b) **a second component having a memory storing a second identifier, the second identifier being different from said first identifier;**
- c) **a device for synchronizing addresses between said first component and said second component, said device comprising:**
 - i) **a port for establishing a communication link with said first component and a communication link with said second component;**
 - ii) **a memory unit;**
 - iii) **a processing unit operatively coupled to said port and said memory unit, said processing unit being suitable for:**
 - (1) **establishing a communication link through said port with said first component for acquiring the first identifier from the first component;**
 - (2) **storing the first identifier in said memory unit;**

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- (3) establishing a communication link through said port with said second component for **transmitting the first identifier stored in said memory unit to said second component**, such as to allow said second component to hold the first identifier and the second identifier in a storage unit at said second component;
- d) **said second component being operative for generating an address on the basis of the first identifier and the second identifier**, wherein the communication link with one of said first component and said second component is a wireless communication link.

Applicants respectfully submit that the cited reference does not disclose, teach or suggest the above-emphasized limitations of independent claim 130. More specifically, Kiriya does not disclose a communication control system comprising "a first component having a memory storing a first identifier" and "a second component having a memory storing a second identifier, the second identifier being different from said first identifier" [emphasis added].

Instead, and as described above with respect to independent claim 115, Kiriya discloses providing the same identification code to both the remote operating device, and the slave unit. Nowhere does Kiriya disclose having two components, each having a different identifier, wherein one of the components is "operative for generating an address on the basis of the first identifier and the second identifier".

Accordingly, since Kiriya does not teach every limitation of independent claim 130, Kiriya is not sufficient to support a rejection based on anticipation. As such, independent claim 130, as amended, is believed to be in condition for allowance over the reference cited. Applicants respectfully request that the rejection of independent claim 130 be withdrawn.

Claims 133 and 135 depend from independent claim 130, and as such, incorporate all the limitations contained therein, including the above-emphasized limitations, which are absent from Kiriya. Accordingly, for the same reasons as those presented above, Applicants respectfully

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request the rejection of dependent claims 133 and 135 be withdrawn.

Summary of Rejection under 35 U.S.C. §103(a)

Claims 69, 70, 71, 72, 79, 107-110, 112, 113, 122-124 and 127 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kiriya.

For the reasons presented below, Applicants respectfully assert that independent claims 69, 107 and 122, as amended, are in condition for allowance.

Claims 69-72 and 79

The Examiner's attention is respectfully directed towards the below-emphasized portion of independent claim 69.

A remote control system for a locomotive having a controller module, said remote control system comprising:

- a) a slave controller for mounting on-board the locomotive;
- b) a transmitter for transmitting a wireless signal over a first communication link, the transmitter being associated to an identifier of said transmitter, the first communication link being a wireless RF communication link, the wireless signal being indicative of at least one command for causing an action to be performed by the locomotive;
- c) said slave controller being responsive to the wireless signal to generate control signals for transmission to the controller module to implement the at least one command;
- d) said slave controller being operative to output over a second communication link an identifier of said slave controller for transmission to said transmitter, the second communication link being a wireless communication link;
- e) **the wireless signal including data derived from the identifier of said slave controller and data derived from the identifier of said transmitter, the identifier of said slave controller being different from the identifier of said transmitter.**

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Applicants respectfully submit that Kiriyaama does not disclose, teach or suggest the above-emphasized portion of independent claim 69. More specifically, Kiriyaama does not disclose a transmitter that transmits a wireless signal that includes "data derived from the identifier of said slave controller and data derived from the identifier of said transmitter, the identifier of said slave controller being different from the identifier of said transmitter"

As discussed above with respect to independent claim 115, both the remote operating device (20), and the slave unit (30) are supplied with the same identification code. As such, when signals are sent from the remote operating device (20) to the slave unit (30), the slave unit (30) verifies the identification code appended to the signals with the same identification code stored in its memory. Given that the identification codes of these two components are the same, Applicants respectfully submit that Kiriyaama does not disclose or suggest that the signals transmitted include both an identifier of the slave controller and an identifier of the transmitter, wherein the two identifiers are different.

In accordance with §2142 of the MPEP, in order to establish a prima facie case of obviousness, the reference or references cited must teach or suggest all the limitations found in the claim. Since Kiriyaama does not disclose or suggest the above emphasized limitation of independent claim 69, Applicants respectfully submit that this references is not sufficient to establish a rejection based on obviousness. As such, Applicants respectfully request the rejection of claim 69 be withdrawn.

Claims 70-72 and 79 depend from independent claim 69, and as such, incorporate all the limitations contained therein, including the above-emphasized limitation, which has been shown to be absent from Kiriyaama. Accordingly, for the same reasons as those presented above, Applicants respectfully request that the rejection to dependent claims 70-72 and 79 be withdrawn.

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Claims 107-110, 112 and 113

The Examiner's attention is respectfully directed towards the below-emphasized portion of independent claim 107.

A device for synchronizing addresses in a communication control system, the communication control system including a slave controller having a memory storing a first identifier and a transmitter unit for remotely controlling a locomotive in which is mounted the slave controller, the transmitter unit having a memory storing a second identifier, said device comprising:

- a) a port for establishing a communication link with the slave controller and for establishing a communication link with the transmitter unit, the communication link with one of the slave controller and the transmitter unit being a wireless communication link;
- b) a memory unit;
- c) a processing unit operatively coupled to said port and said memory unit, said processing unit being suitable for:
 - i) **establishing a communication link through said port with the slave controller for acquiring the first identifier from slave controller;**
 - ii) storing the first identifier in said memory unit;
 - iii) establishing a communication link through said port with the transmitter unit for transmitting the first identifier stored in said memory unit to the transmitter unit.

Applicants respectfully submit that Kiriya does not disclose, teach or suggest the above-emphasized limitation of independent claim 107. More specifically, Kiriya does not disclose or even suggest a device for synchronizing addresses that includes a processing unit for "establishing a communication link through said port with the slave controller for acquiring the first identifier from the slave controller".

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Instead, as described above with respect to independent claim 115, the device for synchronizing addresses disclosed by Kiriya (i.e. the master unit 10), generates a single identification code, and supplies that identification code to both the remote controlling unit (20) and the slave unit (30). Nowhere does the master unit 10 "acquire" an identifier from the slave unit (30), because it is the master unit 10 that supplies the identifier to that unit. Accordingly, Kiriya does not disclose the above-emphasized limitation of independent claim 107.

Since Kiriya does not teach or suggest all of the limitations of independent claim 107, Applicants respectfully request the rejection of claim 107 be withdrawn.

Claims 108 and 109 have been cancelled, and as such, rejection of these claims is rendered moot.

Claims 110, 112 and 113 depend from independent claim 107, and as such, incorporate all the limitations contained therein, including the above-emphasized limitation, which has been shown to be absent from Kiriya. Accordingly, for the same reasons as those presented above, Applicants respectfully request that rejection of dependent claims 110, 112 and 113 be withdrawn.

Claims 122-124 and 127

The Examiner's attention is respectfully directed to the below-emphasized portions of independent claim 122.

A computer readable storage medium including a program element suitable for execution by a computing apparatus for synchronizing addresses in a communication control system, the communication control system having a first component associated to a first identifier and a second component associated to a second identifier, the computing apparatus comprising:

- a) a memory unit;

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- b) a processing unit for executing said program element, said processing unit in an operative relationship with said memory unit, when said program element is executed by said processing unit, said program element causing:
 - i) establishment of a communication link between the computing apparatus and the first component for **acquiring the first identifier from the first component;**
 - ii) storage of the first identifier in said memory unit;
 - iii) establishment of a communication link between the computing apparatus and the second component for **transmitting the first identifier stored in said memory unit to the second component,** the communication link between the computing apparatus and one of the first and second components being a wireless communication link;
 - iv) establishment of a communication link between the computing apparatus and the second component for **acquiring the second identifier from the second component;**
 - v) storage of the second identifier in said memory unit;
 - vi) establishment of a communication link between the computing apparatus and the first component for **transmitting the second identifier stored in said memory unit to the first component.**

Applicants respectfully submit that Kiriya does not disclose, teach or suggest the above-emphasized portions of independent claim 122. More specifically, Kiriya does not disclose the sequence of limitations recited in independent claim 122.

Page 8 of the Office Action contends that the "control 22" shown in Figure 3 of Kiriya, can be considered a processing unit, as recited in claim 122. Applicants respectfully disagree and assert that the control 22 of the remote controller unit 20 of Kiriya, does not perform the above-emphasized limitations. More specifically, the control 22 does not and cannot acquire both a first identifier from a first component, and a second identifier from a second

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component. Instead, control 22 is simply operative for receiving an identification code from the master unit 10, and for appending that identification code to signals sent to the slave unit 30. Nowhere does Kiriya disclose or even suggest that the control 22 then acquires a second identifier from a second component. Accordingly, Kiriya does not teach or suggest all of the above-emphasized limitations of independent claim 122.

Since Kiriya does not teach or suggest all of the limitations, Applicants respectfully submit that this reference is not sufficient to establish a rejection based on obviousness. Applicants respectfully request that the rejection of independent claim 122 be withdrawn.

Claims 123-124 and 127 depend from independent claim 122, and as such, incorporate all the limitations contained therein, including the above-emphasized portion, which have been shown to be absent from Kiriya. Accordingly, for the same reasons as those presented above, Applicants respectfully request that the rejection of dependent claims 123-124 and 127 be withdrawn.

CONCLUSION

In view of the above, it is respectfully submitted that claims 30-33, 43-47, 53-57, 59-65, 67-83, 85-99, 104-107, 110, 112-117, 119-124, 127, 130-133, 135, 137, 145-155, 159-164 are in condition for allowance. Withdrawal of the rejections and objections is requested. Allowance of claims 30-33, 43-47, 53-57, 59-65, 67-83, 85-99, 104-107, 110, 112-117, 119-124, 127, 130-133, 135, 137, 145-155, 159-164 at an early date is solicited.

If the claims of the application are not considered to be in full condition for allowance, for any reason, Applicants respectfully request the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims or in making constructive suggestions so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

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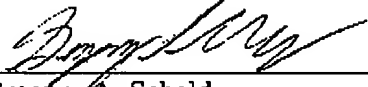
A speedy and favorable action on the merits is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicants' Representative at (612) 336-4728.



Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: 3/29/06

By: 
Gregory A. Sebald
Reg. No. 33,280
GAS/km

Filed: Mailed: OCTOBER 8, 2003

FORM 1449*
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

IN AN APPLICATION

(Use several sheets if necessary)

Docket Number:
07611.0026US01

Application Number:
09/281464

Applicant: HORST et al.

Filing Date: March 30, 1999

Group Art Unit: 2631

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
ph	5,815,823	September 1998	Engle			
	5,570,284	October 1996	ROSELLI et al.			
	5,122,948	June 1992	Zapalin			
	6,218,961	April 2001	GROSS et al.			
	5,681,015	October 1997	Kull			
	4,687,258	August 1987	Astley			
	6,314,345	November 2001	Coombs			
	5,746,261	May 1998	Bowling			
	4,529,980	July 1985	LIOTINE et al.			
	5,511,749	April 1996	HORST et al.			
	3,639,755	February 1972	Wrege			
	4,912,463	March 1990	Li			
	5,685,507	November 1997	HORST et al.			
	6,456,674	September 2002	HORST et al.			
	6,466,847	15-OCT-2002	HORST			
	6,470,245	22-OCT-2002	PROULX			
	5,884,146	03/16/1999	SIMMONS			
	3,639,755	02/01/1972	WREGE			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
ph	WO 96/36953	November 1996	WO				
	36 18 464 A1	12/03/1987	DE			ABSTRACT	
	0 704 590 A2	03/04/1996	EP				
	0 704 590 A3	03/04/1996	EP				
	42 42 231 A1	16/6/1994	DE			ABSTRACT	

EXAMINER

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DATE CONSIDERED

1/5/04

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.

Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

*Substitute Disclosure Statement Form (PTO-1449)

Sheet 2 of 2

Date Mailed: OCTOBER 8, 2003

FORM 1449*
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENTIN AN APPLICATION
(Use several sheets if necessary)Docket Number:
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Filing Date: March 30, 1999

Group Art Unit: 2631

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		European Search Report dated 28.07.03
18		Search Report entitled: "Remote Control Systems for Locomotives: Review of Technical and Trade Literature, 1980 Forward" Compiled by Information Works Inc. for Lauric Mitchell, CANAC Inc. May 20, 2003 p. 1-110, bibliography
		European Search Report dated 28.07.03



EXAMINER	<i>Phumphen</i>	DATE CONSIDERED	<i>11/5/04</i>
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Date Mailed: OCTOBER 8, 2003

Sheet 1 of 2

FORM 1449* SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 07611.0026US01	Application Number: 09/281464
	Applicant: HORST et al.	
	Filing Date: March 30, 1999	Group Art Unit: 2631

U.S. PATENT DOCUMENTS							
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	0 704 590 A2	03/04/1996	EP				
	0 704 590 A3	03/04/1996	EP				
	42 42 231 A1	16/6/1994	DE			ABSTRACT	

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
		European Search Report dated 28.07.03
		Search Report entitled: "Remote Control Systems for Locomotives: Review of Technical and Trade Literature, 1980 Forward" Compiled by Information Works Inc. for Laurie Mitchell, CANAC Inc. May 20, 2003 p. 1-110, bibliography
		European Search Report dated 28.07.03



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